

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC., a
Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,
OBSTETRICAL AND GYNECOLOGICAL
ASSOCIATES, P.A., FEMPARTNERS, INC., a
Delaware corporation and CARITAS ST.
ELIZABETH'S MEDICAL CENTER OF
BOSTON, INC., a Massachusetts Nonprofit
Corporation,

Defendants.

Civil Action No. 04-CV-11673 RWZ

EXHIBIT 5

TO

DECLARATION OF ATTORNEY EDWARD W. LITTLE, JR.

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:01-cv-04995-DRD**

SCHWARZ PHARMA, INC., et al v. TEVA
PHARMACEUTICALS
Assigned to: Judge Dickinson R. Debevoise
Demand: \$0
Cause: 35:271 Patent Infringement

Date Filed: 10/29/2001
Jury Demand: None
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

SCHWARZ PHARMA, INC.

represented by **CHARLES MICHAEL LIZZA**
LEBOEUF, LAMB, GREENE &
MACRAE, LLP
ONE RIVERFRONT PLAZA
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ATTORNEY TO BE NOTICED

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TERMINATED: 03/18/2002
LEAD ATTORNEY
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SCHWARZ PHARMA AG

represented by **CHARLES MICHAEL LIZZA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHLEEN HOLLY DOOLEY
(See above for address)
TERMINATED: 03/18/2002
LEAD ATTORNEY
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WARNER-LAMBERT COMPANY

represented by **GEORGE G. GORDON**
DECHERT LLP
4000 BELL ATLANTIC TOWER
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215-994-2382

LEAD ATTORNEY
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KATHLEEN HOLLY DOOLEY
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TERMINATED: 05/19/2003
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V.

Defendant

**TEVA PHARMACEUTICALS USA,
INC.**

represented by **ALLYN ZISSEL LITE**
LITE, DEPALMA, GREENBERG
AND RIVAS, LCC
TWO GATEWAY CENTER
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Counter Claimant

**TEVA PHARMACEUTICALS USA,
 INC.**

represented by **ARNOLD B. CALMANN**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**TEVA PHARMACEUTICALS USA,
 INC.**

represented by **ARNOLD B. CALMANN**
 (See above for address)
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**TEVA PHARMACEUTICALS USA,
 INC.**

V.

Counter Defendant

SCHWARZ PHARMA AG

SCHWARZ PHARMA, INC.

Date Filed	#	Docket Text
11/02/2001	1	COMPLAINT filed FILING FEE \$ 150.00 RECEIPT # 304135 (mj) (Entered: 11/02/2001)
11/02/2001	2	NOTICE of Allocation and Assignment filed. Magistrate Judge Hedges (mj) (Entered: 11/02/2001)
11/02/2001		SUMMONS(ES) issued for TEVA PHARMACEUTICALS (20 Days) (Mailed to Counsel) (mj) (Entered: 11/02/2001)
12/11/2001	3	ORDER, extending' answer due for 12/28/01 for TEVA PHARMACEUTICALS (signed by Judge Dickinson R. Debevoise) ***(sealed) (mn) (Entered: 12/17/2001)
12/21/2001	4	Substitute attorney for SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG, WARNER-LAMBERT COMPA ; Terminated attorney STUART ALDEROTY for WARNER-LAMBERT COMPA, attorney STUART ALDEROTY for SCHWARZ PHARMA AG, attorney STUART ALDEROTY for SCHWARZ PHARMA, INC. ; Added, KATHLEEN HOLLY DOOLEY (sr) (Entered: 01/02/2002)

12/28/2001	5	ANSWER to Complaint and COUNTERCLAIM by TEVA PHARMACEUTICALS (nr) (Entered: 01/03/2002)
12/28/2001	6	CERTIFICATE OF SERVICE of copies of answer and counterclaim (nr) (Entered: 01/03/2002)
01/16/2002	7	APPLICATION by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG and Clerk's Order extending time to reply counterclaim. Answer due 2/1/02 for SCHWARZ PHARMA AG, for SCHWARZ PHARMA, INC. (jd) (Entered: 01/17/2002)
01/17/2002	8	STIPULATION and ORDER, extending time to reply to Teva Pamaceutical USA's counterclaim to 2/15/02. nm (signed by Judge Dickinson R. Debevoise) (bl) (Entered: 01/22/2002)
02/01/2002	9	ORDER, resetting answer to counterclaims due for 2/15/02 for dft TEVA PHARMACEUTICALS (signed by Judge Dickinson R. Debevoise) n/m (ak) (Entered: 02/04/2002)
02/07/2002	10	AMENDED ANSWER and COUNTERCLAIM by TEVA PHARMACEUTICALS (nr) (Entered: 02/08/2002)
02/19/2002	11	ORDER, for Albert E. Fey, Esq., W. Edward-Bailey, Esq., A. Joy Arnold, Esq., Sasha G. Rao, Esq., John P. Hanish, Esq. & Staci Levin Julie, Esq. to appear pro hac vice (signed by Magistrate Judge Susan D. Wigenton) n/m (aa) (Entered: 02/20/2002)
02/22/2002	12	ANSWER/REPLY by WARNER-LAMBERT COMPA to [10-2] counter claim, [5-2] counter claim (DD) (Entered: 02/25/2002)
02/22/2002	13	Notice of MOTION to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim , and to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety by WARNER-LAMBERT COMPA, Motion set for 3/25/02 on [13-1] motion, set for 3/25/02 on [13-2] motion ; w/cert. of serv. (Brief/PO Subm) (DD) (Entered: 02/25/2002)
02/22/2002	14	DECLARATION of F. CHRISTOPHER MIZZO w/attached exhibits A-6 on behalf of WARNER-LAMBERT COMPA Re: [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim, [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety (DD) (Entered: 02/25/2002)
03/01/2002	15	Notice of MOTION for judgment on the pleadings by SCHWARZ

		PHARMA, INC., SCHWARZ PHARMA AG, Motion set for 3/25/02 on [15-1] motion cert of service (Brief/PO Subm) (jd) (Entered: 03/04/2002)
03/04/2002	16	ORDER, set scheduling conference for 10:00 4/23/02 ; etc. (signed by Mag. Judge Ronald J. Hedges) (NM) (DD) (Entered: 03/05/2002)
03/15/2002	17	LETTER By SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: substituting Charles M. Lizza as counsel for pltfs., Schwarz Pharma, Inc. & Schwarz Pharma AG (DD) (Entered: 03/18/2002)
03/20/2002	18	ORDER, reassigning all pretrial matters from Magistrate Judge Hedges to Magistrate Judge Wigenton (signed by Judge Dickinson R. Debevoise) (NM) (ak) (Entered: 03/21/2002)
03/25/2002	19	Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 3/25/02; The following actions were taken, resetting motion hearing on [15-1] motion for judgment on the pleadings by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. for 5/13/02 By Judge Dickinson R. Debevoise (ar) (Entered: 03/28/2002)
03/25/2002	20	Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 3/25/02; The following actions were taken, resetting motion hearing on [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim by WARNER-LAMBERT COMPA for 5/13/02; resetting motion hearing on [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety by WARNER-LAMBERT COMPA for 5/13/02 By Judge Dickinson R. Debevoise (ar) (Entered: 03/28/2002)
03/25/2002	22	Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 03/25/02; The following actions were taken, adjourning motion hearing on [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their for failure to state a claim by WARNER-LAMBERT COMPA to 5/13/02, adjourning motion hearing on [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety by WARNER-LAMBERT COMPA to 5/13/02 By Judge Dickinson R. Debevoise (sr) (Entered: 04/23/2002)
04/09/2002	21	PRETRIAL SCHEDULING ORDER setting Amending of pleadings on 6/21/02 ; Joining of Parties 6/21/02 Discovery cutoff 9/30/02 ; Status conference 11:00 7/24/02 ; Dispositive Motion due on or before 3/1/03 (signed by Magistrate Judge Susan D. Wigenton)(NM) (JB) (Entered: 04/10/2002)
04/22/2002	23	CONSENT ORDER, for Joseph M. O'Malley, Jr., Christopher Mizzo,

		Bruce M. Wexler and Nicholas M. Cannella to appear pro hac vice on behalf of pltf Warner-Lambert (signed by Magistrate Judge Susan D. Wigenton) (NM) (jd) (Entered: 04/23/2002)
04/22/2002	24	***UNDER SEAL - CERT OF LAUREN KENDE IN RESPONSE by TEVA PHARMACEUTICALS in OPPOSITION to [15-1] motion for judgment on the pleadings, [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim, [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety [***UNDER SEAL - OPP BRIEF subm] (ar) (Entered: 04/24/2002)
04/22/2002	25	CERTIFICATE OF SERVICE by TEVA PHARMACEUTICALS Service Re: [24-1] opposition response (ar) (Entered: 04/24/2002)
05/06/2002	26	CERTIFICATE OF SERVICE by WARNER-LAMBERT COMPA of copy of reply memorandum (jd) (Entered: 05/06/2002)
05/06/2002	27	CERTIFICATE OF SERVICE by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG of copy of reply brief (jd) (Entered: 05/07/2002)
05/13/2002	28	Minute entry: Proceedings recorded by Ct-Reporter: S. Rizman; Minutes of: 5/13/02; The following actions were taken, [15-1] motion for judgment on the pleadings. Decision Reserved. By Judge Dickinson R. Debevoise (jd) (Entered: 05/14/2002)
05/13/2002	29	Minute entry: Proceedings recorded by Ct-Reporter: S. Rizman; Minutes of: 5/13/02; The following actions were taken, [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim. Decision Reserved. [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety. Decision Reserved. Hrg. on application by pltf to admit M. Howard Morse pro hac vice. Ordered application granted. Order submitted. By Judge Dickinson R. Debevoise (jd) (Entered: 05/14/2002)
05/13/2002	30	AFFIDAVIT of M. Howard Morse on behalf of WARNER-LAMBERT COMPA Re: in support of application for pro hac vice admission (jd) (Entered: 05/14/2002)
05/13/2002	31	CERTIFICATION of Michael R. Clarke on behalf of WARNER-LAMBERT COMPA Re: in support of the application for pro hac vice admission of M. Howard Morse. (jd) (Entered: 05/14/2002)
05/13/2002	32	CONSENT ORDER, for M. Howard Morse to appear pro hac vice on

		behalf of pltf Warner-Lambert (signed by Judge Dickinson R. Debevoise) (NM) (jd) (Entered: 05/14/2002)
05/24/2002	33	TRANSCRIPT of Proceedings taken on 5/13/02 by Crt Rep Stanley Rizman (DS) (Entered: 05/24/2002)
06/05/2002	34	OPINION (signed by Judge Dickinson R. Debevoise) (ar) (Entered: 06/06/2002)
06/05/2002	35	ORDER DENYING SCHWARZ's [15-1] motion for judgment on the pleadings; granting in part, denying in part Warner Lambert's [13-1] motion to dismiss Counts II, III, IV & VI of Teva's counterclaims, in their entirety, for failure to state a claim granting in part, denying in part [13-2] motion to strike portions of Counts II, III & V of Teva's counterclaims & striking Teva's Third Separate Affirmative Defense, in its entirety (signed by Judge Dickinson R. Debevoise) (NM) (ar) (Entered: 06/06/2002)
07/29/2002	36	ORDER, extending time until 7/22/02 to file Amended Reply/Answer to Counterclaim (signed by Judge Dickinson R. Debevoise) (NM) (DD) (Entered: 07/30/2002)
07/29/2002	37	AMENDED ANSWER/REPLY to counterclaim : amends [12-1] counterclaim answer (DD) (Entered: 07/30/2002)
08/01/2002	38	REVISED SCHEDULING ORDER setting Discovery cutoff 1/31/03; Status conference 2/5/03; discovery in this action concerning plt's allegation of willful infringement is stayed; discovery in this action concerning dft's anti-trust counterclaims is hereby stayed (signed by Mag. Judge Ronald J. Hedges)(NM) (ak) (Entered: 08/02/2002)
08/26/2002	39	DECLARATION of FRANCIS D. CERRITO on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: pro hac vice (nr) (Entered: 08/28/2002)
08/26/2002	40	DECLARATION of DANIEL L. MALONE on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: pro hac vice (nr) (Entered: 08/28/2002)
08/26/2002	41	ORDER, for Brian M. Poissant, Francis D. Cerrito and Daniel L. Malone to appear pro hac vice (signed by Mag. Judge Ronald J. Hedges) (NM) (nr) (Entered: 08/28/2002)
09/20/2002	42	STIPULATION and ORDER, for protective order (signed by Mag. Judge Ronald J. Hedges) (NM) (DD) (Entered: 09/23/2002)
09/20/2002	43	ORDER that Pltfs., Schwarz Pharma, Inc. & Schwarz Pharma AG

		will abide by the obligations & conditions of the Protective Order in Warner-Lambert Co. v. Teva 99-cv-922 (DRD), in their handling of all documents & things produced in this action that are the subj. of that Protective Order (signed by Mag. Judge Ronald J. Hedges) (NM) (DD) (Entered: 09/23/2002)
11/15/2002	44	Notice of MOTION for summary judgment of non-infringement by dft., TEVA PHARMACEUTICALS,(USA) Motion set for 12/9/02 on [44-1] motion (Brief/PO Subm) (cs) (Entered: 11/19/2002)
11/15/2002	45	DECLARATION of STACIL L. JULIE, ESQ. w/exhibits on behalf of dft., TEVA PHARMACEUTICALS, USA and in support of [44-1] motion for summary judgment of non-infringement (cs) (Entered: 11/19/2002)
11/15/2002	46	DECLARATION of JOSEPH B. SCHWARTZ, PH.D. w/exhibits (Vols. I & II) on behalf of TEVA PHARMACEUTICALS, USA and in support of [44-1] motion for summary judgment of non-infringement (cs) (Entered: 11/19/2002)
11/15/2002	47	CERTIFICATE OF SERVICE of copy of notice of motion with supporting Declarations and brief etc. (cs) (Entered: 11/19/2002)
11/20/2002	49	ORIGINAL SIGNATURE re DECLARATION of JOSEPH B. SCHWARTZ PhD on behalf of TEVA PHARMACEUTICALS Re: [44-1] motion for summary judgment of non-infringement (ar) (Entered: 11/27/2002)
11/22/2002	48	STIPULATION and ORDER adjourning motion hearing on [44-2] hearing Motion set for 12/9/02 on [44-1] motion by TEVA PHARMACEUTICALS for 1/13/03 The parties have also revised the briefing schedule as follows: opposition papers shall be filed with the court on or before December 16, 2002; reply papers in support of the motion shall be filed with the Court on or before 01/06/03 (signed by Judge Dickinson R. Debevoise) (NM) (JB) (Entered: 11/27/2002)
12/09/2002	50	Minute entry: Proceedings recorded by ; Minutes of: 12/9/02; The following actions were taken, setting motion hearing on [44-1] motion for summary judgment of non-infringement by TEVA PHARMACEUTICALS for 1/13/03 By Judge Dickinson R. Debevoise (mn) (Entered: 12/11/2002)
12/16/2002	51	DECLARATION of GEORGE W. GOKEL w/attached exhibits 1-5 on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: in opposition to [44-1] motion for summary judgment of non-infringement (DD) (Entered: 12/20/2002)

12/16/2002	52	DECLARATION of DANIEL L. MALONE w/attached exhibits 1-8 & 10 on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: in opposition to [44-1] motion for summary judgment of non-infringement {EXHIBIT 9 * * *SEALED* * *} (DD) (Entered: 12/20/2002)
01/13/2003	53	Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 01/13/03; The following actions were taken, adjourning motion hearing on [44-1] motion for summary judgment of non-infringement by TEVA PHARMACEUTICALS to 2/10/03 By Judge Dickinson R. Debevoise (sr) (Entered: 01/13/2003)
01/15/2003	54	STIPULATION and ORDER, amending [38-1] Scheduling order , reset closing of fact discovery due for 2/28/03 , reset status conference for 12:30 3/5/03 (signed by Magistrate Judge Susan D. Wigenton) (NM) (JB) (Entered: 01/16/2003)
01/21/2003	55	STATEMENT of material facts pur. to local rule 56.1 by TEVA PHARMACEUTICALS (mn) (Entered: 01/22/2003)
01/21/2003	56	CERTIFICATE OF SERVICE by TEVA PHARMACEUTICALS as to TEVA PHARMACEUTICALS Service Re: reply brief in support of mot. for sum. jgm., statement & declarations. (mn) (Entered: 01/22/2003)
01/21/2003	57	DECLARATION on behalf of TEVA PHARMACEUTICALS *** (sealed) (mn) (Entered: 01/22/2003)
01/21/2003	58	Second DECLARATION of on behalf of TEVA PHARMACEUTICALS ***(sealed) (mn) (Entered: 01/22/2003)
01/21/2003	59	DECLARATION of Christopher Mizzo on behalf of WARNER-LAMBERT COMPA in response to Schwarz Pharm's opposition to sum. jgm. (mn) (Entered: 01/22/2003)
01/21/2003	60	DECLARATION of Gerald S. Brenner on behalf of WARNER-LAMBERT COMPA Re: sum. jgm. motion. (mn) (Entered: 01/22/2003)
01/21/2003	61	RESPONSE by WARNER-LAMBERT COMPA to Schwarz Pharma's opposition to sum. jgm. (mn) (Entered: 01/22/2003)
01/21/2003	62	CERTIFICATE OF SERVICE by WARNER-LAMBERT COMPA Service Re: response & declarations for sum. jgm. motion. (mn) (Entered: 01/22/2003)
02/04/2003	63	Notice of MOTION to strike in part Teva Pharmaceuticals USA'S

		Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement , or in the alternative for leave to file Sur-Reply Papers by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG, Motion set for 3/10/03 on [63-1] motion, set for 3/10/03 on [63-2] motion . (Brief/PO Subm) (DD) (Entered: 02/05/2003)
02/04/2003	64	DECLARATION of ERIC C. STOPS w/attached exhibits A-Fon behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: [63-1] motion to strike in part Teva Pharmaceuticals USA'S Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement, [63-2] motion for leave to file Sur-Reply Papers (DD) (Entered: 02/05/2003)
02/04/2003	65	DECLARATION of F. DOMINIC CERRITO w/attached exhibits A-J on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: [63-1] motion to strike in part Teva Pharmaceuticals USA'S Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement, [63-2] motion for leave to file Sur-Reply Papers (DD) (Entered: 02/05/2003)
02/04/2003	66	DECLARATION of DANIEL L. MALONE w/attached exhibits A-D & F on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG Re: [63-1] motion to strike in part Teva Pharmaceuticals USA'S Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement, [63-2] motion for leave to file Sur-Reply Papers {EXHIBIT E ***SEALED***} (DD) (Entered: 02/05/2003)
02/07/2003	67	ORDER placing under seal Exhibit #1 to Declaration of F. Christopher Mizzo in support of Warner-Lambert's Response to Schwarz Pharma's Opposition to Summary Judgment on 1/21/02 (signed by Judge Dickinson R. Debevoise) (NM) (pv) (Entered: 02/07/2003)
02/10/2003	68	Minute entry: Proceedings recorded by Ct-Reporter: M. Giordano; Minutes of: 2/10/03; The following actions were taken, [44-1] motion for summary judgment of non-infringement taken under advisement pursuant to R78. By Judge Dickinson R. Debevoise (aa) (Entered: 02/10/2003)
02/12/2003	69	RESPONSE by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG, WARNER-LAMBERT COMPA in opposition to [63-1] motion to strike in part Teva Pharmaceuticals USA'S Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement (nr) (Entered: 02/14/2003)
03/05/2003	70	ORDER, setting status conference for 11:00 4/25/03 (signed by Magistrate Judge Susan D. Wigenton) (NM) (JB) (Entered: 03/05/2003)

		03/07/2003)
03/10/2003	71	Minute entry: Proceedings recorded by Ct-Reporter: M. Giordano; Minutes of: 03/10/03; The following actions were taken, was in fact previously denied [63-1] motion to strike in part Teva Pharmaceuticals USA'S Reply Papers Concerning it Motion for Summary Judgment of Non-Infringement previously granted [63-2] motion for leave to file Sur-Reply Papers By Judge Dickinson R. Debevoise (JB) (Entered: 03/11/2003)
03/24/2003	72	OPINION (signed by Judge Dickinson R. Debevoise) (DD) (Entered: 03/25/2003)
03/24/2003	73	ORDER granting [44-1] motion for summary judgment of non-infringement w/costs of suit awarded in favor of deft. Teva Pharmaceuticals USA and against pltf's. Schwarz Pharma, Inc. & Schwarz Pharma AG (signed by Judge Dickinson R. Debevoise) (NM) (DD) Modified on 04/01/2003 (Entered: 03/25/2003)
03/25/2003		Case closed (DD) (Entered: 03/25/2003)
04/04/2003		Case reopened {as per chmbrs} (DD) (Entered: 04/04/2003)
04/16/2003	74	JUDGMENT of non-infringement pursuant to FRCP 54(b) in favor of defendant TEVA PHARMACEUTICALS (signed by Judge Dickinson R. Debevoise) n/m (ar) (Entered: 04/23/2003)
04/22/2003	75	APPLICATION by deft., TEVA PHARMACEUTICALS, for taxation of costs to the clerk w/verified bill of costs (DD) (Entered: 04/24/2003)
04/22/2003	76	DECLARATION of STACI L. JULIE w/attached exhibits A-D on behalf of TEVA PHARMACEUTICALS Re: [75-1] application for taxation of costs (DD) (Entered: 04/24/2003)
04/25/2003	77	RESPONSE by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG in opposition to TEVA's [75-1] application "...Itemization of Costs under Local Civil Rule 54.1(f)." [Copy to Jack O'Brien] (ar) (Entered: 04/28/2003)
04/25/2003	78	DECLARATION of GASPER J. LA ROSA, ESQ. on behalf of SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG IN OPPOSITION TO TEVA'S Re: [75-1] application re taxation of costs [Copy to Jack O'Brien] (ar) (Entered: 04/28/2003)
05/09/2003	79	NOTICE OF APPEAL filed at 3:52pm by pla. SCHWARZ PHARMA, INC., and SCHWARZ PHARMA AG Re: [74-1]

		judgment order . Fee \$105.00. Copies of notice of appeal sent to Clerk, USCA for The Federal Circuit and Attorney(s): ARNOLD B. CALMANN, KATHLEEN HOLLY DOOLEY, CHARLES MICHAEL LIZZA (ce) (Entered: 05/12/2003)
05/15/2003	80	Transcript Purchase Order RE: [79-1] appeal indicating a transcript is already on file (ce) (Entered: 05/16/2003)
05/16/2003		Record complete for purposes of appeal. (ce) (Entered: 05/16/2003)
05/19/2003	81	NOTICE of Docketing ROA from USCA Re: [79-1] appeal USCA NUMBER: 03-1384 (ce) (Entered: 05/21/2003)
05/19/2003	82	Certified Copy Of Order from the USCA for The Federal Circuit authorizing abbreviation of caption (USCA# 03-1384) (ce) (Entered: 05/21/2003)
05/19/2003	83	LETTER By WARNER-LAMBERT COMPANY RE substitution of attorney from Kathleen Dolly Hooley to Melissa L. Klipp from Dricker Biddle & Reath LLP. (bl) (Entered: 05/21/2003)
05/19/2003		Substitute per previous letter attorney for WARNER-LAMBERT COMPA ; Terminated attorney KATHLEEN HOLLY DOOLEY for WARNER-LAMBERT COMPA ; Added, MELISSA L. KLIPP (bl) (Entered: 05/21/2003)
10/24/2003		Case closed [as per Order fld. 4/16/03 - Doc. #74] (DD) (Entered: 10/24/2003)
02/03/2004	<u>84</u>	OPINION of USCA (ce,) (Entered: 02/09/2004)
02/23/2004	<u>85</u>	OPINION FROM USCA (ce,) (Entered: 02/27/2004)
02/23/2004	<u>86</u>	USCA JUDGMENT Vacating and Remanding back to USDC for further proceedings(USCA# 03-1384)(cc:chambers) (ce,) (Entered: 02/27/2004)
02/25/2004	<u>87</u>	NOTICE of Change of Address as to pro hac vice counsel on behalf of SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. (jd,) (Entered: 02/27/2004)
02/26/2004	<u>88</u>	Certification of Robert C. Brady of Compliance with payment of fees and for the admission pro hac vice of Brian M. Poissant, F. Dominic Cerrito and Daniel L. Malone on behalf of SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (jd,) (Entered: 02/27/2004)

04/01/2004	<u>89</u>	MOTION for Pro Hac Vice Admission of Michael W. Vary by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (Attachments: # <u>1</u> certification of Michael W. Vary# <u>2</u> proposed order# <u>3</u> cert of service)(jd,) (Entered: 04/06/2004)
04/01/2004		Set Deadlines as to <u>89</u> MOTION for Pro Hac Vice Admission. Motion Hearing set for 4/26/2004 before Judge Dickinson R. Debevoise. (jd,) (Entered: 04/06/2004)
04/06/2004	<u>90</u>	ORDER granting <u>89</u> Motion to admit Michael W. Vary, Esq. pro hac vice . Signed by Judge Susan D. Wigenton on 4/6/04. (sr,) (Entered: 04/07/2004)
04/20/2004	<u>91</u>	SCHEDULING ORDER: parties shall immediately resume discovery; depositions will begin the week of 5/11/04, etc.; Status Conference set for 5/24/2004 02:00 PM before Magistrate Judge Susan D. Wigenton.. Signed by Judge Susan D. Wigenton on 4/20/04. (jd,) (Entered: 04/20/2004)
05/24/2004		Minute Entry for proceedings held before Judge Susan D. Wigenton : Telephone Status Conference held on 5/24/2004. (em,) (Entered: 05/24/2004)
06/18/2004	<u>92</u>	STIPULATION / <i>Withdrawal of Appearance of Fish and Neave</i> by TEVA PHARMACEUTICALS USA, INC.. (KADIAN, DENNIS) (Entered: 06/18/2004)
07/22/2004		Minute Entry for proceedings held before Judge Susan D. Wigenton : Telephone Conference held on 7/22/2004. (em,) (Entered: 07/22/2004)
07/23/2004	<u>93</u>	ORDER SCHEDULING CONFERENCE Status Conference set for 9/23/2004 02:00 PM before Magistrate Judge Susan D. Wigenton.. Signed by Judge Susan D. Wigenton on 7/23/04. (MD,) (Entered: 07/26/2004)
07/26/2004	<u>94</u>	AMENDED COMPLAINT against TEVA PHARMACEUTICALS USA, INC. , filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC., WARNER-LAMBERT COMPANY.(nr,) (Entered: 07/28/2004)
07/26/2004	<u>95</u>	CERTIFICATE OF SERVICE by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. re <u>94</u> Amended Complaint (nr,) (Entered: 07/28/2004)
08/02/2004	<u>96</u>	MOTION for Preliminary Injunction by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (DD,) (Entered: 08/04/2004)

08/02/2004	97	BRIEF in Support re <u>96</u> MOTION for Preliminary Injunction filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. * * *SEALED* * * (DD,) (Entered: 08/04/2004)
08/02/2004	98	DECLARATION * * *SEALED* * *. (DD,) (Entered: 08/04/2004)
08/02/2004	99	DECLARATION * * *SEALED* * * (DD,) (Entered: 08/04/2004)
08/02/2004	100	DECLARATION * * *SEALED* * * (DD,) (Entered: 08/04/2004)
08/02/2004	101	DECLARATION * * *SEALED* * * (DD,) (Entered: 08/04/2004)
08/02/2004		Set Deadlines as to <u>96</u> MOTION for Preliminary Injunction. Motion Hearing set for 9/13/2004 before Judge Dickinson R. Debevoise. (DD,) (Entered: 08/04/2004)
08/24/2004	102	BRIEF in Opposition re <u>96</u> MOTION for Preliminary Injunction filed by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	103	DECLARATION of L.C.G. by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	104	CERTIFICATE OF SERVICE by TEVA PHARMACEUTICALS USA, INC. of brief, declarations & affidavit.***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	105	AFFIDAVIT of W.M. by TEVA PHARMACEUTICALS USA, INC..*** (Sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	106	AFFIDAVIT of I.M.C. by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	107	DECLARATION of A.H.K. by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	108	DECLARATION of A.M.S. by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/24/2004	109	DECLARATION (volume 1,2,3)of D.T.H. by TEVA PHARMACEUTICALS USA, INC..***(sealed) (mn,) (Entered: 08/25/2004)
08/25/2004	<u>110</u>	ANSWER to Amended Complaint, COUNTERCLAIM against SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. by TEVA PHARMACEUTICALS USA, INC.. (Attachments: # <u>1</u> Certification

		of service)(CALMANN, ARNOLD) (Entered: 08/25/2004)
09/03/2004	111	***REPLY BRIEF filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (nr,) (Entered: 09/07/2004)
09/03/2004	112	***SUPPLEMENTAL DECLARATION by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (nr,) (Entered: 09/07/2004)
09/03/2004	113	***SUPPLEMENTAL DECLARATION by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (nr,) (Entered: 09/07/2004)
09/03/2004	114	CERTIFICATE OF SERVICE OF brief and declarations (nr,) (Entered: 09/07/2004)
09/08/2004	<u>115</u>	ORDER granting pro hac vice admission as to FREDERICK H. REIN, ESQ.. Signed by Judge Susan D. Wigenton on 9/7/04. (DD,) (Entered: 09/08/2004)
09/08/2004	<u>116</u>	ORDER granting pro hac vice admission as to DAVID M. HASHMALL, ESQ. & DOMINIQUE T. HUSSEY, ESQ.. Signed by Judge Susan D. Wigenton on 9/7/04. (DD,) (Entered: 09/08/2004)
09/09/2004	118	SUPPLEMENTAL OPPOSITION BRIEF, w/cert of service filed by TEVA PHARMACEUTICALS USA, INC. (FILED UNDER SEAL) (sr,) (Entered: 09/17/2004)
09/09/2004	119	SUPPLEMENTAL DECLARATION of Dominique T. Hussey (filed under seal). (sr,) (Entered: 09/17/2004)
09/10/2004	<u>117</u>	STIPULATION AND ORDER extending time for deft., TEVA PHARMACEUTICALS USA, INC. to answer AMENDED CMP. until 8/25/04.. Signed by Judge Susan D. Wigenton on 9/7/04. (DD,) (Entered: 09/10/2004)
09/17/2004	<u>120</u>	<i>Reply</i> ANSWER to Counterclaim <i>To Amended Complaint</i> by WARNER-LAMBERT COMPANY.(KLIPP, MELISSA) (Entered: 09/17/2004)
09/17/2004	<u>121</u>	First MOTION to Dismiss <i>Teva's Counterclaims</i> by WARNER-LAMBERT COMPANY. (Attachments: # <u>1</u> Brief In Support of Involuntary Plaintiff/Counterclaim Defendant Warner-Lambert Company's Motion To Dismiss Teva's Counterclaims# <u>2</u> Text of Proposed Order)(KLIPP, MELISSA) (Entered: 09/17/2004)
09/17/2004	<u>122</u>	Certification of Service on behalf of WARNER-LAMBERT COMPANY Re <u>120</u> Answer to Counterclaim, <u>121</u> Motion to Dismiss,. (KLIPP, MELISSA) (Entered: 09/17/2004)

09/17/2004	<u>124</u>	MOTION to Strike Teva's affirmative defenses and to dismiss Teva's counterclaims by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. Responses due by 9/28/2004 (Attachments: # <u>1</u> Brief# <u>2</u> P/O# <u>3</u> Decl. of Gasper J. LaRosa (Complete declaration in the Clerk's file)(nr,) (Entered: 09/21/2004)
09/17/2004		Set Deadlines as to <u>124</u> MOTION to Strike. Motion Hearing set for 10/12/2004 10:00 AM before Judge Dickinson R. Debevoise. (nr,) (Entered: 09/21/2004)
09/17/2004	<u>125</u>	DECLARATION of sealed *** IN SUPPORT OF WARNER-LAMBERT'S Motion to dismiss Teva's countercaims***. (bl,) Modified on 9/29/2004 (bl,). (Entered: 09/22/2004)
09/20/2004		Set Deadlines as to <u>121</u> First MOTION to Dismiss <i>Teva's Counterclaims</i> . Motion Hearing set for 10/12/2004 10:00 AM before Judge Dickinson R. Debevoise. (ak,) (Entered: 09/20/2004)
09/20/2004	<u>123</u>	Substitution of Attorney for dft., TEVA PHARMACEUATAICAL (LITE, ALLYN) Modified on 9/24/2004 (cs,). (Entered: 09/20/2004)
09/23/2004	<u>126</u>	STIPULATION AND ORDER that deft Teva Pharm.,etc., as of 9/13/04 are hereby restrained and enjoined, pending final resolution of this action or further order of the court, from engaging in the commercial manufacture,etc. of moexipril hydrochloride tablets, etc.; Schwartz Pharma's motion for an injunction is withdrawn. Signed by Judge Dickinson R. Debevoise on 9/13/04. (jd,) (Entered: 09/23/2004)
09/24/2004	<u>127</u>	NOTICE by WARNER-LAMBERT COMPANY of <i>Appearance of George G. Gordon</i> (KLIPP, MELISSA) (Entered: 09/24/2004)
09/24/2004	<u>128</u>	MOTION for Limited Admission of <i>Joseph A. Tate and Friedrich-Wilhelm Sachse</i> by WARNER-LAMBERT COMPANY. (Attachments: # <u>1</u> Affidavit of Melissa L. Klipp in Support# <u>2</u> Affidavit of Joseph Tate in Support# <u>3</u> Affidavit # <u>4</u> Text of Proposed Order)(KLIPP, MELISSA) (Entered: 09/24/2004)
09/24/2004	<u>129</u>	Certification of Service on behalf of WARNER-LAMBERT COMPANY Re <u>127</u> Notice (Other), <u>128</u> Motion for Limited Admission,. (KLIPP, MELISSA) (Entered: 09/24/2004)
09/24/2004		CLERKS OFFICE QUALITY CONTROL MESSAGE - The NOTICE document number 127 filed by M. Klipp on 9/24/04 was submitted incorrectly as a Notice. PLEASE RESUBMIT THE Notice BY 10/4/04 USING Notice of Appearance as the correct event*. This submission will remain on the docket unless otherwise ordered by the

		court. (cs,) (Entered: 09/29/2004)
09/27/2004		Set Deadlines as to <u>128</u> MOTION for Limited Admission of <i>Joseph A. Tate and Friedrich-Wilhelm Sachse</i> . Motion Hearing set for 10/25/2004 10:00 AM before Judge Dickinson R. Debevoise. (ak,) (Entered: 09/27/2004)
09/28/2004	<u>130</u>	ORDER granting <u>128</u> Motion for Limited Admission re: Joseph A. Tate and Friedrich-Wilhelm W. Sachse. Signed by Judge Dickinson R. Debevoise on 9/27/04. (sr,) (Entered: 09/28/2004)
10/01/2004	<u>132</u>	MOTION for Summary Judgment of infringement by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (Attachments: # <u>1</u> cert. of service# <u>2</u> Text of Proposed Order)(mn,) (Entered: 10/06/2004)
10/01/2004	<u>133</u>	DECLARATION by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC..*** (sealed) (mn,) (Entered: 10/06/2004)
10/01/2004	<u>134</u>	BRIEF in Support re <u>132</u> MOTION for Summary Judgment filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC..*** (sealed) (mn,) (Entered: 10/06/2004)
10/01/2004	<u>135</u>	STATEMENT of undisputed material facts by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC..*** (sealed) (mn,) (Entered: 10/06/2004)
10/05/2004	<u>136</u>	NOTICE of Appearance by GEORGE G. GORDON on behalf of WARNER-LAMBERT COMPANY (JB,) (Entered: 10/07/2004)
10/06/2004	<u>131</u>	SCHEDULING ORDER: Status Conference set for 1/25/2005 10:30 AM before Magistrate Judge Susan D. Wigenton. Fact Discovery due by 2/18/2005; etc.. Signed by Judge Susan D. Wigenton on 10/4/04. (DD,) (Entered: 10/06/2004)
10/06/2004		Reset Deadlines as to <u>121</u> First MOTION to Dismiss <i>Teva's Counterclaims</i> , <u>124</u> MOTION to Strike. Motion Hearing set for 10/25/2004 10:00 AM before Judge Dickinson R. Debevoise. (ak,) (Entered: 10/06/2004)
10/07/2004		Set Deadlines as to <u>132</u> MOTION for Summary Judgment. Motion Hearing set for 10/25/2004 10:00 AM before Judge Dickinson R. Debevoise. (ak,) (Entered: 10/07/2004)
10/12/2004	<u>137</u>	BRIEF in Opposition re <u>121</u> First MOTION to Dismiss <i>Teva's Counterclaims</i> , <u>124</u> MOTION to Strike filed by TEVA PHARMACEUTICALS USA, INC.. (Attachments: # <u>1</u>)(PATUNAS, MICHAEL) (Entered: 10/12/2004)

10/14/2004	<u>138</u>	STIPULATION & ORDER DISMISSING 2nd,3rd,4th,5th counterclaims of Teva's answer & counterclaims to amended complt. filed on 8/25/04 w/prejudice. Signed by Judge Dickinson R. Debevoise on 10/08/04. (sr,) (Entered: 10/14/2004)
10/18/2004	<u>139</u>	REPLY to Response to Motion re <u>121</u> First MOTION to Dismiss <i>Teva's Counterclaims</i> filed by WARNER-LAMBERT COMPANY. (Attachments: # <u>1</u> Certification of Service)(KLIPP, MELISSA) (Entered: 10/18/2004)
10/18/2004	<u>140</u>	BRIEF in Support re <u>124</u> MOTION to Strike filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC.. (Attachments: # <u>1</u> cert. of service)(sr,) (Entered: 10/20/2004)
10/19/2004	<u>141</u>	Writ of Execution Returned Executed - Bank of NY property to seize on 10/06/04. (Attachments: # <u>1</u> writ of execution Bank of NY property to seize# <u>2</u> Bank of NY property to seize# <u>3</u> Bank of NY property to seize# <u>4</u> Pragnesh Patel - real estate# <u>5</u> Patel Video & Variety, Inc.)(sr,) (Entered: 10/20/2004)
10/25/2004	<u>142</u>	Minute Entry for proceedings held before Judge Dickinson R. Debevoise : Motion Hearing held on 10/25/2004 re <u>121</u> First MOTION to Dismiss <i>Teva's Counterclaims</i> filed by WARNER-LAMBERT COMPANY, <u>132</u> MOTION for Summary Judgment filed by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG, <u>124</u> MOTION to Strike filed by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG; Ordered Decisions Reserved. (Court Reporter Mollie Giordano.) (ak,) (Entered: 10/26/2004)
10/25/2004	143	Opposition BRIEF*** (sealed) . (jd,) (Entered: 11/01/2004)
10/25/2004	144	CounterSTATEMENT of material facts***(sealed). (jd,) (Entered: 11/01/2004)
10/25/2004	145	Second DECLARATION***(sealed). (jd,) (Entered: 11/01/2004)
10/25/2004	146	DECLARATION ***(sealed). (jd,) (Entered: 11/01/2004)
10/25/2004	<u>147</u>	CERTIFICATE OF SERVICE by TEVA PHARMACEUTICALS USA, INC. of copy of [143] Brief, [144] Statement, [145] Declaration, [146] Declaration (jd,) (Entered: 11/01/2004)
11/01/2004	148	BRIEF filed by SCHWARZ PHARMA AG, SCHWARZ PHARMA, INC. in reply to Teva Pharmaceuticals USA, Inc's opposition to mot. for sum. jgm..***(sealed) (mn,) (Entered: 11/04/2004)
11/01/2004	149	Supplemental DECLARATION & cert. of service.***(sealed). (mn,)

		(Entered: 11/04/2004)
11/08/2004	<u>150</u>	Minute Entry for proceedings held before Judge Dickinson R. Debevoise : Motion Hearing held on 11/8/2004 re <u>132</u> MOTION for Summary Judgment filed by SCHWARZ PHARMA, INC., SCHWARZ PHARMA AG; Ordered decision reserved. (Court Reporter Mollie Giordano.) (ak,) (Entered: 11/09/2004)

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